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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues  
11 Against:

Case No. **2011-713**

12 **TROY LEE PAYNE**  
13 **14005 Spruce Street, Apt. A**  
**Hesperia, CA 92345**  
14 **Applicant for Registered Nurse License**

**STATEMENT OF ISSUES**

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
19 her official capacity as the Executive Officer of the Board of Registered Nursing.

20 2. On or about May 28, 2010, the Board of Registered Nursing received an application  
21 for Registered Nurse License from Troy Lee Payne (Respondent). On or about May 24, 2010,  
22 Troy Lee Payne certified under penalty of perjury to the truthfulness of all statements, answers,  
23 and representations in the application. The Board denied the application on September 30, 2010.

24 JURISDICTION

25 3. This Statement of Issues is brought before the Board, under the authority of the  
26 following laws. All section references are to the Business and Professions Code unless otherwise  
27 indicated.  
28

1           4.    Section 2761 of the Code states:

2           "The board may take disciplinary action against a certified or licensed nurse or deny an  
3 application for a certificate or license for any of the following:

4           "(a) Unprofessional conduct, which includes, but is not limited to, the following:

5           . . . .

6           (f) Conviction of a felony or of any offense substantially related to the qualifications,  
7 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
8 conclusive evidence thereof."

9           5.    Section 480 of the Code states:

10          "(a) A board may deny a license regulated by this code on the grounds that the applicant has  
11 one of the following:

12          "(1) Been convicted of a crime. A conviction within the meaning of this section means a  
13 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a  
14 board is permitted to take following the establishment of a conviction may be taken when the  
15 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when  
16 an order granting probation is made suspending the imposition of sentence, irrespective of a  
17 subsequent order under the provisions of Section 1203.4 of the Penal Code.

18          "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially  
19 benefit himself or herself or another, or substantially injure another.

20          "(3) (A) Done any act that if done by a licentiate of the business or profession in question,  
21 would be grounds for suspension or revocation of license.

22          "(B) The board may deny a license pursuant to this subdivision only if the crime or act is  
23 substantially related to the qualifications, functions, or duties of the business or profession for  
24 which application is made.

25          "(b) Notwithstanding any other provision of this code, no person shall be denied a license  
26 solely on the basis that he or she has been convicted of a felony if he or she has obtained a  
27 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of  
28 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has

1 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate  
2 the rehabilitation of a person when considering the denial of a license under subdivision (a) of  
3 Section 482.

4 "(c) A board may deny a license regulated by this code on the ground that the applicant  
5 knowingly made a false statement of fact required to be revealed in the application for the  
6 license."

7 **CAUSE FOR DENIAL OF APPLICATION**

8 **(Criminal Conviction)**

9 6. Respondent's application is subject to denial under section 2761 of the Business and  
10 Professions Code in that on or about June 17, 2010, in a criminal proceeding entitled *People of*  
11 *the State of California v. Troy Lee Payne*, in San Bernardino County Superior Court - Victorville  
12 Courthouse, Case Number MVI 1001935, Respondent was convicted by plea of guilty of Penal  
13 Code section 273.5 (Spousal Abuse), a misdemeanor. The circumstances are as follows:

14 a. On or about June 9, 2010, Troy Lee Payne injured his wife, Claudia L., by  
15 throwing a cup at her face and giving her a bloody nose.

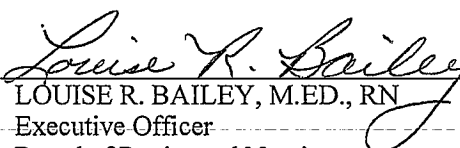
16 b. On or about June 17, 2010, Troy Lee Payne was sentenced as follows: three (3)  
17 year probation term; completion of 1 year domestic abuse counseling; nine (9) days in county jail;  
18 fines and fees.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
21 and that following the hearing, the Board issue a decision:

- 22 1. Denying the application of Troy Lee Payne for a Registered Nurse License;  
23 2. Taking such other and further action as deemed necessary and proper.

24 DATED: 2-17-2011

25   
LOUISE R. BAILEY, M.ED., RN  
26 Executive Officer  
27 Board of Registered Nursing  
State of California  
Complainant

28 LA2010601430